



June 4, 2018

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW,
Washington, D.C. 20554

Submitted electronically via: <http://www.fcc.gov/ecfs/>

RE: Advanced Methods to Target and Eliminate Unlawful Robocalls

Dear Ms. Dortch,

The Minnesota Credit Union Network (MnCUN) represents the interests of Minnesota's 109 credit unions and their more than 1.7 million members. On behalf of Minnesota's credit unions, please accept this correspondence in response to the Federal Communications Commission's (Commission) proposed rule - Advanced Methods to Target and Eliminate Unlawful Robocalls (Proposed Rule). MnCUN thanks you for the opportunity to provide commentary on this matter.

Minnesota credit unions strongly support the Commission's efforts to protect consumers and to provide ways to help callers avoid calling the wrong consumers. We are not necessarily opposed to the creation of a database for reassigned numbers. However, we have several concerns regarding the effectiveness of such a database and believe that it should not be the only solution.

Use of a Database Could be Cost Prohibitive

We are concerned that using such a database will be cost prohibitive. According to the Proposed Rule, approximately 35 million phone numbers are reassigned each year. Given that number, it's staggering to imagine the size of the database needed just to manage the data field for the phone numbers. That doesn't even account for the other data fields that will likely be contained in the database. Because of this, we are concerned it will require significant amounts of staff time for callers to scrub their information against the information contained in the database. We are also concerned with the frequency at which callers will need to scrub and re-scrub their information against the database.

If 35 million phone numbers are reassigned each year, then approximately 100,000 phone numbers are reassigned daily.¹ This means the database will be changing significantly in short

¹ 35,000,000 / 365 days per year



periods of time (i.e., 700,000 reassigned per week, 3,000,000 reassigned per month, etc.). If the database is changing that significantly in such short periods of time, then for it to be effectively used, callers will need to scrub their information against the database on a frequent basis - perhaps weekly. This could be costly in terms of staff time, which is particularly concerning for credit unions that, on average, have less than five full-time employees.

We are also concerned access to such a data base will be expensive. The combination of the database's size, the frequency at which it will need to be updated and the required programming changes to credit union core processing systems to create compatible fields with the database are likely to make it very expensive to maintain. This expense will be passed on to the end-users (i.e., callers). The staff costs combined with the expense to access the database will likely make using it cost prohibitive for many credit unions. Therefore, although we are not opposed to the creation of such a database, it should not be the only solution.

Should Not be the Only Solution

The Commission states in the Proposed Rule, "... a reassigned numbers database is only one important part of its broader policy . . ."² We agree with the Commission's sentiments. For at least two reasons, a reassigned number database should not be the only solution. First, for the reasons stated above - it will likely be cost prohibitive for many callers. Second, the database will not eliminate calls to the wrong numbers. Given the amount of numbers that are reassigned each year and the frequency at which the database will change, it will not eliminate errors within the database nor will it eliminate errors on the part of callers. Therefore, we agree with the Commission that a safe harbor must exist for callers who use the database. However, this should not be the only safe harbor that exists.

Because not all callers or calls are the same, there should also be a safe harbor for callers, who have an established business relationship with the party they are attempting to reach. This safe harbor should exist regardless of whether such callers use a reassigned phone number database. The Commission stated a concern that a reassigned numbers data base might actually discourage legitimate calls from being made.³ Given the existence of this concern, clearly the Commission recognizes not all calls are the same. Logically then - not all callers are the same. Some callers have legitimate and important reasons for contacting a consumer (or member as in the case of a credit union). This difference should not just be recognized; it should affect how the regulation is applied. If it isn't, then many consumers are being harmed because their ability to receive desired and important communications is hindered.

Credit unions have established business relationships with their members, and legitimate and important reasons to be able to contact members without fear of repercussion. Members of credit

² Proposed Rule, p. 17632, Para. 9.

³ Proposed Rule, p. 17633, Para. 17.



unions are not only consumers of credit union products and services, they are also owners of the credit unions at which they obtain these products and services. As an owner and consumer, a member is entitled to certain information from their credit union. This includes information on topics such as governance, financial education, information regarding financial products, and fraud alerts. All of which is critical information. Furthermore, credit unions are not the bad actors that created the need for the Telephone Consumer Protection Act (TCPA). Therefore, credit unions and the members they serve should not be penalized by the TCPA.

Please consider creating a safe harbor for callers when there is an established business relationship with the consumer the caller is attempting to contact. This safe harbor should not depend upon whether the caller uses a reassigned phone number data base. When an established business relationship exists, the caller should not be subject to penalty under the TCPA unless they contact a number they “have reason to know or should have known” was no longer valid for the consumer that they were trying to reach. This approach creates a sound balance between consumer privacy interests and callers’ legitimate interests in communicating with their consumers.

Finally, the burden of protecting consumers and to provide ways to help callers avoid calling the wrong consumers should not be placed just on callers, but also on the voice companies that reassign numbers. Consideration should be given to extending the time a number is aged before reassignment. Currently, the aging is very short, an extended aging time frame provides safe harbor in itself as it gives added time for the consumer to provide notice of a changed number. It also ensures, if a call is made to a number no longer in service, a “disconnected” or “no longer in service” message is received by the caller prompting them to note their systems or update data such that they will actively attempt to get an updated number from the consumer. The current short aging process is a significant factor in consumers receiving unwanted calls.

MnCUN thanks and appreciates the Commission for making efforts to resolve issues with reassigned phone numbers. We also thank you for taking into consideration our commentary on this matter. If you have any questions about our comments, please do not hesitate to contact me at (651) 288-5517.

Sincerely,

A handwritten signature in blue ink that reads "Tim Tacheny". The signature is written in a cursive, flowing style.

Tim Tacheny
Associate General Counsel
Minnesota Credit Union Network